

GROWTH – WATER COMMITTEE

Water Supply Adequacy Requirements Straw Proposal For Consideration

- I. Give counties the authority to approve or disapprove subdivisions based on water supply adequacy and sustainability criteria including the impact of withdrawals on 1) existing water uses, 2) previously approved subdivision plats or previous determinations of physically available water supply for master planned subdivisions, 3) vested water rights, 4) stream flows, and 5) the long-term, perpetual availability of the water supply.

It is assumed that cities and towns have such authority, so no companion authorities would be necessary for cities. The counties would also have the authority to condition approvals based on water supply availability.

- If a city or county chooses to approve a subdivision without an ADWR water adequacy, it should do so based on its own ordinance-based criteria.
 - Should a city or county be able to approve a subdivision if ADWR determines that the water supply is inadequate?
- II. All sub-dividers of land would be required to provide to the county planning and zoning department and ADWR:
 - The sources of water for the proposed subdivision and approvals for water deliveries from any city, town or private water company that will supply the water;
 - If the subdivision is a dry-lot subdivision, the availability of groundwater for domestic wells;
 - If the subdivision is a dry-lot subdivision and depth to groundwater is more than ____ feet, it will be presumed that water may have to be hauled to the lots for domestic uses. To provide for adequate water resources planning, notice of the proposed subdivision will be sent to all cities, towns and private water companies within ____ miles of the location of the subdivision. All conditions to the availability of hauled water, including moratoriums, must be provided to the purchasers of the land.
 - If no information is available, the subdivider must obtain adequate hydrologic information, including drilling exploration wells or performing geophysical testing.
 - III. ADWR would be responsible for determining that the water supply of adequate quantity and quality would be continuously available for 100 years. ADWR would also provide a report on the sustainability of the supply including the impact of withdrawals on 1) existing water uses, 2) previously approved subdivision plats or previous determinations of physically available water supply for master planned subdivisions, 3) vested water rights, 4) stream flows, and 5) the long-term, perpetual availability of the water supply. ADWR's determination and impact report would be provided to the county and the ADRE.

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- For informational or consumer protection purposes, the ADWR analysis would determine the long-term sustainability of the groundwater supply. This may be against a safe-yield standard, or more likely a determination of how many years will it take to reach the 1200 foot level, or potentially the bottom of the aquifer. The determination would include how long the supply is available; for example, is the supply a 200 year supply or a 500 year supply? Recognizing a determination changes every time a new subdivision is approved, the analysis could relate back to previously approved subdivisions and what the new approval will do to their water supplies.
 - Public notice should be made available declaring the subdivision was approved without an adequate water supply. The declaration of inadequacy needs to be disclosed by the seller of the property to a potential buyer.
- IV. ADWR in consultation with the county will identify appropriate criteria for the availability of water supplies for domestic uses for each groundwater basin throughout the state. (Maximum depths to water, saturated thickness, aquifer yields, water in storage, quality, etc.)
- V. A county may require more strict standards than the statutory requirements for the determination of adequacy. The statutes should establish the minimum standards for determination of water supply adequacy for 100 years.

WATER SUPPLY DEVELOPMENT AND MANAGEMENT COMMITTEE

I. Introduction – Straw Proposal for Water Districts

Two overlapping districts are proposed based on the Committee's discussion. One would be for water supply development to construct and operate water projects (Water Conservancy and Development District). The other would be for water management (Regional Water Management Overlay District). The districts could be independent and may exist singly or conterminously. If either district is formed, ADWR would be responsible for water rights and permits.

Under the two-district approach one or both districts could be created for the same area depending on the needs of the area. Forming a single district that combines the functions of both districts could also be an option. Flexibility could be provided to allow a Water Conservancy and Development District to adopt the water management authorities of a Regional Water Management Overlay District if desired. Conversely, a Regional Water Management Overlay District could also expand its authority to include the authorities the Water Conservancy and Development District if desired.

II. Water Conservancy and Development District

- a. Powers and Duties
 - i. Acquire water rights, permits and water supply contracts
 - ii. Construct infrastructure for water resources projects
 - iii. Wholesale water (retail, also?)
 - iv. Own and operate infrastructure including waste water reuse facilities
 - v. Enter into contracts, memorandums of understanding or intergovernmental agreements
 - vi. Hire staff
 - vii. Impose and collect fees
 - viii. Impose and collect ad valorem taxes to pay for debt and operations
 - ix. Issue revenue bonds and repay debts
 - x. Acquire real and personal property
 - xi. Acquire energy resources to operate project facilities
- b. Formation
 - i. By petition of x% of the registered voters or by all of the councils of the cities and towns within a proposed district to the county board of supervisors
 - ii. If more than one county is involved, the county with largest plurality of voters must agree to the petition
 - iii. The county board of supervisors will call for an election by the resident voters within the proposed district
 - iv. If more than one county is involved, the minority counties must also call for an election within the district boundaries

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- v. Approval by the majority of votes in the proposed district will form a district
 - vi. The governing body will be selected by district election
 - vii. Boundaries of the district would be based on some hydrologic criteria (TBD)
- c. Governance
 - i. By elected board
- d. Funding
 - i. Water sales
 - ii. User fees
 - iii. Taxes
 - iv. Withdrawal fees (if there is a Water Management Overlay District)
 - v. Bonds and debt repayment

III. Regional Water Management Overlay District

- a. Powers and Duties
 - i. Mandatory
 - 1. Authority to assess water resource availability, prepare water resources plans, determine goals and objectives for water resources management programs within the district
 - 2. Authority to develop goals, objectives, and plans that would guide permit, conservation or other requirements
 - 3. Authority to meter all wells
 - 4. Authority to collect annual water use reports (information must be shared with ADWR)
 - 5. Authority to impose and collect fees to meet the goals and objectives of the district
 - 6. Authority to hire staff
 - 7. Authority to develop water adequacy standards that are consistent with the goal and objective of the District. (These standards would be used by cities and counties for subdivision plat approval within the district boundaries)
 - ii. Optional – authorities to be adopted as needed
 - 1. Authority to develop and implement conservation and management programs, including wastewater reuse. May, as needed:
 - a. Establish well spacing requirements
 - b. Establish conditions on permits for new wells and withdrawals permits
 - c. Establish wastewater reuse programs
 - d. Establish replenishment requirements and take action to perform replenishment or recharge in cooperation

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- with the Water Conservancy and Development District
 - 2. Authority to set conditions on recharge and recovery permits
 - 3. Authority to impose mandatory conservation requirements
- b. Formation (2 Methods for Establishing a Regional Water Management Overlay District)
 - i. Board of Directors for the Water Conservancy and Development District authorizes the formation of the Regional Water Management Overlay District.
 - ii. County Board of Supervisors authorizes the formation of the Regional Water Management Overlay District.
- c. Governance
 - i. Board of Directors should consist of elected officials from cities, county(s), Water Conservancy and Development District and an appointed member from ADWR
 - ii. The total number of members on the Board of Directors should be ??
 - iii. Chairman, vice-chairman and other officers of the Board of Directors are elected by the members of the Board
- d. Funding
 - i. Withdrawal fees
 - ii. Development impact fees
 - iii. Water replacement fees (for exempt wells, or recharge/replenishment activities)
 - iv. Receive funds from the Water Conservancy and Development District

Comment:

- The group should discuss whether or not a City or county may approve a subdivision if it fails to meet the water adequacy based on an established management strategy of an Overlay District. As a suggestion a city or county may be required to follow the Overlay District standard, just like Assured Water Supply in an AMA.

IV. ADWR Role and Responsibility

- a. After establishment of the Overlay District, ADWR would establish groundwater rights within the District boundaries and impose a limitation on new agricultural lands.
- b. ADWR would establish service area rights and maps
- c. ADWR would receive annual reports from the Overlay District and would receive a portion of the withdrawal fees for administration purposes

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- d. ADWR would establish well permit and withdrawal permit standards based on the Overlay District's requirements
- e. ADWR would establish groundwater recharge and recovery permit standards based on the Overlay's District requirements
- f. ADWR would establish exchange permit standards based on the Overlay District's requirements.